

AMENDED IN SENATE AUGUST 18, 2000

AMENDED IN SENATE JUNE 29, 2000

AMENDED IN ASSEMBLY MAY 2, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1807

Introduced by Assembly Member Longville

January 31, 2000

An act to amend Sections 21080.4, 21081.7, and 21092.4 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1807, as amended, Longville. California Environmental Quality Act: Department of Transportation.

(1) Under the existing California Environmental Quality Act (CEQA), if a lead agency determines that an environmental impact report is required, the lead agency is immediately required to send notice of that determination to each responsible agency, and those public agencies having jurisdiction by law over natural resources affected by the project. Existing law then requires those agencies to participate in the environmental review process, as specified.

Under this bill, if the lead agency determines that an environmental impact report is required, the lead agency would also be required to send notice to the Office of Planning and Research.

Existing law requires that transportation information resulting from a specified reporting or monitoring program

required to be adopted by a public agency be submitted to the transportation planning agency in the region when the project has impacts that are of statewide, regional, or areawide significance.

This bill would also require the submission of the transportation information to the Department of Transportation under those circumstances.

Existing law provides that a lead agency shall consult with transportation planning agencies and public agencies that may be affected when the project pursued is of statewide, regional, or areawide significance.

This bill instead would require a lead agency to consult with transportation planning agencies and public agencies that could be affected by any project.

By imposing new duties on local lead agencies, the bill would impose a state-mandated local program.

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 21080.4 of the Public Resources Code is amended to read:

21080.4. (a) If a lead agency determines that an environmental impact report is required for a project, the lead agency shall immediately send notice of that determination by certified mail or an equivalent procedure to each responsible agency, the Office of Planning and Research, and those public agencies having jurisdiction by law over natural resources affected by the project that are held in trust for the people of the State of California. Upon receipt of the notice, each responsible agency, the office, and each public agency having jurisdiction by law over natural resources affected by the project that are held in trust for the people of the State of California shall specify to the lead agency the scope and content of the environmental information that is germane to the statutory responsibilities of that responsible agency, the office, or the public agency in connection with the proposed project and which, pursuant to the requirements of this division, shall be included in the environmental impact report. The information shall be specified in writing and shall be communicated to the lead agency by certified mail or equivalent procedure not later than 30 days after the date of receipt of the notice of the lead agency's determination. The lead agency shall request similar guidance from appropriate federal agencies.

(b) To expedite the requirements of subdivision (a), the lead agency, any responsible agency, the Office of Planning and Research, or a public agency having jurisdiction by law over natural resources affected by the project that are held in trust for the people of the State of California, may request one or more meetings between representatives of those agencies and the office for the purpose of assisting the lead agency to determine the scope and content of the environmental information that any of those responsible agencies, the office, or the public agencies may require. In the case of a project described

1 in subdivision (c) of Section 21065, the request may also
2 be made by the project applicant. The meetings shall be
3 convened by the lead agency as soon as possible, but not
4 later than 30 days after the date that the meeting was
5 requested.

6 (c) To expedite the requirements of subdivision (a),
7 the Office of Planning and Research, upon request of a
8 lead agency, shall assist the lead agency in determining
9 the various responsible agencies, public agencies having
10 jurisdiction by law over natural resources affected by the
11 project that are held in trust for the people of the State
12 of California, and any federal agencies that have
13 responsibility for carrying out or approving a proposed
14 project. In the case of a project described in subdivision
15 (c) of Section 21065, that request may also be made by the
16 project applicant.

17 (d) With respect to the Department of
18 Transportation, and with respect to any state agency that
19 is a responsible agency or a public agency having
20 jurisdiction by law over natural resources affected by the
21 project that are held in trust for the people of the State
22 of California, subject to the requirements of subdivision
23 (a), the Office of Planning and Research shall ensure that
24 the information required by subdivision (a) is
25 transmitted to the lead agency, and that affected agencies
26 are notified regarding meetings to be held upon request
27 pursuant to subdivision (b), within the required time
28 period.

29 SEC. 2. Section 21081.7 of the Public Resources Code
30 is amended to read:

31 21081.7. Transportation information resulting from
32 the reporting or monitoring program required to be
33 adopted by a public agency pursuant to Section 21081.6
34 shall be submitted to the transportation planning agency
35 in the region where the project is located and to the
36 Department of Transportation when the project has
37 impacts that are of statewide, regional, or areawide
38 significance according to criteria developed pursuant to
39 Section 21083. The transportation planning agency and
40 the Department of Transportation shall adopt guidelines

1 for the submittal of those reporting or monitoring
2 programs.

3 SEC. 3. Section 21092.4 of the Public Resources Code
4 is amended to read:

5 21092.4. (a) The lead agency shall consult with
6 transportation planning agencies and public agencies
7 that have transportation facilities within their
8 jurisdictions that could be affected by a project.
9 Consultation shall be conducted in the same manner as
10 for responsible agencies pursuant to this division, and
11 shall be for the purpose of the lead agency obtaining
12 information concerning the project's effect on major local
13 arterials, public transit, freeways, highways, and rail
14 transit service within the jurisdiction of a transportation
15 planning agency or a public agency that is consulted by
16 the lead agency. A transportation planning agency or
17 public agency that provides information to the lead
18 agency shall be notified of, and provided with copies of,
19 environmental documents pertaining to the project.

20 (b) As used in this section, "transportation facilities"
21 includes major local arterials and public transit within
22 five miles of the project site and freeways, highways, and
23 rail transit service within 10 miles of the project site.

24 ~~SEC. 4. Notwithstanding Section 17610 of the~~
25 ~~Government Code, if the Commission on State Mandates~~
26 ~~determines that this act contains costs mandated by the~~
27 ~~state, reimbursement to local agencies and school~~
28 ~~districts for those costs shall be made pursuant to Part 7~~
29 ~~(commencing with Section 17500) of Division 4 of Title~~
30 ~~2 of the Government Code. If the statewide cost of the~~
31 ~~claim for reimbursement does not exceed one million~~
32 ~~dollars (\$1,000,000), reimbursement shall be made from~~
33 ~~the State Mandates Claims Fund.~~

34 *SEC. 4. No reimbursement is required by this act*
35 *pursuant to Section 6 of Article XIII B of the California*
36 *Constitution because a local agency or school district has*
37 *the authority to levy service charges, fees, or assessments*
38 *sufficient to pay for the program or level of service*

1 *mandated by this act, within the meaning of Section 17556*
2 *of the Government Code.*

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